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GENERAL ASSEMBLY
Forty-seventh session
Agenda item 10
REPORT OF THE SECRETARY-GENERAL
ON THE WORK OF THE ORGANIZATION

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 6 May 1993 from the Permanent Mission of Uruguay to the United Nations addressed to the Secretary-General

The Permanent Mission of Uruguay to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to his note dated 12 April 1993 requesting views and proposals from Governments concerning assistance to third States affected economically by the application of sanctions under Chapter VII of the Charter of the United Nations.

The situation covered in Article 50 of the Charter has been addressed in several forums, including the General Assembly, its subsidiary organs and the Security Council.

While the practice followed with regard to Article 50 was very limited in the past, and only in connection with Southern Rhodesia were there requests for assistance under that provision, with the crisis in the Gulf, the question became very topical. The secondary effects of the application of sanctions on third countries not involved in the conflict led to the submission of 21 requests, including one from Uruguay. Despite the recommendations adopted and the appeals made, the responses were not commensurate with the requirements, and solutions are still awaited.

Subsequently, as a result of the application of sanctions pursuant to Security Council resolutions 713 (1991) of 25 September 1991, 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992, further requests for assistance were submitted.

An analysis of the aforementioned events demonstrates the need to have a mechanism to ensure restoration of the rights of third countries that are affected.

Bearing in mind that under Article 25 of the Charter, the Members of the United Nations are bound by the decisions adopted by the Security Council, bearing in mind that Article 50 is not an isolated provision, but is within the framework of Chapter VII, which should be applied and interpreted as a whole, and bearing in mind the principle of mutual assistance embodied in the Charter, my delegation, together with a group of co-sponsors, submitted document A/AC.182/L.76/Rev.1 at the most recent session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That initiative is part of the general proposal contained in document A/AC.182/L.73/Rev.1, which was submitted in 1992 to that Committee.

The document refers to the establishment of a permanent mechanism that would operate automatically; the costs would not be incurred by any State or group of States, but by the United Nations as a whole, and would even be incurred outside the Organization. Through the establishment of the fund by the General Assembly, both requests for assistance that had not yet been addressed and future requests would be taken into consideration.

Contributions to the fund would be of two types: compulsory and voluntary. The first type, however, would not entail the allocation of additional resources; in other words, no new contributions would be required from Member States. In this connection, resources from the restructuring of the Secretariat, existing reserves in the regular budget and other factors could be taken into account. The proposed mechanism also envisages the possibility of direct financial assistance through bilateral or multilateral lines of credit, as well as other types of support, the enumeration of which is not exhaustive.

The document maintains a balance with regard to the various competent organs. It recognizes the role of the General Assembly in regard to budgetary matters, and the role of the Security Council in regard to the establishment of all the guidelines for considering requests for assistance - the key procedural factor in determining which cases are to be handled under the provision; at the same time, the administration of the fund is entrusted to the Secretary-General.

It is common knowledge that, to date, there is only one provision governing this question, Article 50 of the Charter, and it fails to establish any procedure for considering requests for assistance. The procedure, the way in which requests are to be handled and the criteria to be used would, under the proposed document, be the responsibility of the Security Council and its subsidiary organs. Upon the establishment of the fund by the General Assembly, the Security Council would be able to request the Secretary-General to assist the affected State.

It would be greatly appreciated if this note could be issued as an official document of the forty-seventh session of the General Assembly, under agenda item 10, and of the Security Council.

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LETTER DATED 11 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit a note dated 8 May 1993 from the Ministry of Foreign Affairs of the Republic of Tajikistan addressed to the Ministries of Foreign Affairs of the States members of the Commonwealth of Independent States, the Azerbaijani Republic and the Republic of Georgia.

I should be grateful if you would have this letter and its annex circulated as a United Nations document.

(Signed) L. KAYUMOV

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Annex

NOTE DATED 8 MAY 1993 FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF TAJIKISTAN ADDRESSED TO THE MINISTRIES OF FOREIGN AFFAIRS OF THE STATES MEMBERS OF THE COMMONWEALTH OF INDEPENDENT STATES, THE AZERBAIJANI REPUBLIC AND THE REPUBLIC OF GEORGIA

The Ministry of Foreign Affairs of the Republic of Tajikistan presents its compliments to the Ministries of Foreign Affairs of the States members of the Commonwealth of Independent States, Azerbaijan and Georgia, and regrets to inform them that a natural disaster occurred in various districts and cities of the Republic of Tajikistan during the night of 7/8 May 1993. Heavy torrential rain accompanied by thunderstorms, hail, a sharp rise in river levels, a drop in air temperature, mudslides, and gale-force winds gusting up to 25 metres per second caused damage to much of the nation's economic infrastructure and many residential buildings and social amenities. On the basis of preliminary information, the damage is estimated at over 7 billion rubles. More than 100 hectares of agricultural land suffered flooding, and over 3,000 homes were damaged.

The signs of the devastation left by the natural disaster are most visible in the city of Dushanbe and in the Kafirnikhon, Varzob, Shartuz and Lenin districts. In the capital of the Republic, the whole network of trolleybus routes has been put out of commission, and half of the power supply system has been knocked out. The parts of the city that were hardest hit are in the north and in the east, where mudslides from the surrounding hills buried streets and choked the sewage system. Preliminary estimates put the damage in the city of Dushanbe at approximately 500 million rubles.

The Rogun hydroelectric power station was flooded, creating an emergency situation at that installation.

There was a sharp drop in air temperature in the south of the Republic, and a significant portion of the territory of the Khatlon region was enveloped in haze.

At a time when the country's leaders are striving to normalize the political situation and restore an economy ravaged by civil war, the very scale of the natural disaster means that another period of hardship faces the people and Government of Tajikistan.

The leaders of the Republic have flown to the hardest hit districts. Emergency measures are being taken to eliminate the effects of the natural disaster.

The Ministry of Foreign Affairs of the Republic of Tajikistan takes this opportunity to convey to the Ministries of Foreign Affairs of the States members of the Commonwealth of Independent States, Azerbaijan and Georgia the renewed assurances of its highest consideration.

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LETTER DATED 11 MAY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF CANADA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I enclose a copy of a self-explanatory letter from the Honourable Barbara McDougall, PC, MP, Secretary of State for External Affairs of Canada.

I would be grateful if Mrs. McDougall's letter were circulated as a document of the Security Council.

(Signed) David MALONE
Ambassador and Chargé d'affaires

Annex

Letter dated 30 April 1993 from the Secretary of State for External Affairs of Canada addressed to the Secretary-General

As you know, Canada has been a leader in international efforts to ensure that those guilty of atrocities in the conflict involving former Yugoslavia are properly and swiftly brought to justice. Canada has been a strong proponent of the creation of an international ad hoc tribunal for that purpose.

On 1 April, we announced a contribution of $300,000 to the newly established United Nations Trust Fund for the work of the United Nations Commission of Experts on war crimes in the former Yugoslavia. I understand we will be the first member of the United Nations to do so. I would ask that priority be given in the use of these funds to the examination and analysis of evidence of systematic sexual assaults in the former Yugoslavia, as well as mass killings. I look forward to receiving a copy of the Commission's report on these investigations.

I recently returned from an international meeting of experts in Vancouver sponsored by Canada, which considered the mechanism for establishing an ad hoc tribunal, as well as a permanent international criminal court. Our Permanent Representative sent the conclusions of this meeting to you, to assist in the preparation of your report to the Security Council under resolution 808. The Government of Canada has also provided its own recommendations on this issue.

One of the critical factors in ensuring the smooth operation of the ad hoc tribunal will be the existence of an efficient prosecutorial and investigative unit. As a way of assisting that goal, Canada would like to offer to the tribunal the services of a team of lawyers and investigators, seconded from our Department of Justice and from the Office of the Judge Advocate General of our Department of National Defence. The Canadian team would be under the overall direction of the Director and General Counsel for the Crimes Against Humanity and War Crimes Section, Mr. P. M. Kremer, Q.C., or Mr. C. A. Amerasinghe, Q.C., Senior General Council of the Section, or other senior prosecution counsel. The Government of Canada would be prepared to defray the salaries of all team members.

I would also wish to offer the name of Mr. Amerasinghe for the position of Chief Prosecutor for the Ad Hoc Tribunal. I am certain his extensive knowledge and practical experience in all facets of prosecuting war crimes and crimes against humanity would be of invaluable assistance in ensuring the smooth operation of this tribunal.

Canada believes that the success of the ad hoc tribunal will be a very significant step in strengthening the multilateral system, upholding universal human rights and fostering greater observance of international obligations. I would like to assure you of Canada's continuing support towards this goal.

(Signed) Barbara McDOUGALL

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LETTER DATED 12 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to submit herewith a letter from the President of the Republic of Croatia, Dr. Franjo Tudjman, addressed to you.

I would be grateful if you would provide for the distribution of this letter and the annex thereto as a document of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

Annex

Letter dated 12 May 1993 from the President of the Republic of Croatia addressed to the Secretary-General

Almost 15 months have passed since the beginning of the United Nations Protection Force (UNPROFOR) peace-keeping operation on the territory of the Republic of Croatia. Unfortunately not many of the goals set by the Vance plan, inscribed in your reports and confirmed by the relevant Security Council resolutions, were achieved. This is why I must address you once again and ask for further action with a view to strengthening and redefining the UNPROFOR mandate.

I wish to take this opportunity to express our gratitude for the great effort being made by the United Nations and its Member States, the Secretariat and the Security Council, as well as the valiant performance of the United Nations Protection Force and United Nations agencies. We deeply regret the loss of life of UNPROFOR soldiers and civilians in their noble task.

In my letter addressed to you on 19 March 1993 (S/25447), I stressed the overall Croatian position towards UNPROFOR and I urged the United Nations to take necessary steps for increasing UNPROFOR's efficiency and achieving all the major tasks of the Vance plan. With regard to the aforesaid, I would like to reaffirm the position of the Republic of Croatia and emphasize the following facts and new developments which we find vital to establishing a peaceful solution to the problems caused by the aggression against the Republic of Croatia, as well as the crisis in the entire area of the former Yugoslavia:

1. In the entire territory of the United Nations Protected Areas (UNPAs) "all paramilitary, irregular or volunteer units or personnel [should] be either withdrawn from the UNPAs or if resident in them, be disbanded and demobilized" as soon as possible, as emphasized in the Vance plan (S/23280, annex III, para. 15 (d)). Currently the situation in the UNPAs is not in conformity with these provisions. Serbian militias are heavily armed and are continuously shelling Croatian civilian targets, including the ancient coastal cities of Zadar, Sibenik and Dubrovnik. Serbian militant nationalists in the UNPAs are using their military might not only for attacking Croatian civilian and military targets, but also to terrorize moderate Serbs who refuse to follow their radical policy. The process of demilitarization will also have a great positive impact on the peace process in the neighbouring Republic of Bosnia and Herzegovina.

2. Croatia must be given the opportunity to immediately restore its governmental authority throughout the so-called "pink zones". I must emphasize the fact that these areas are not a part of the UNPAs and they are considered to be a temporary solution which Croatia had accepted on a voluntary basis. In your report S/24188 dated 26 June 1992, you stated that action should be taken "to ensure an internationally monitored, step-by-step, reintroduction of Croatian Government authority to an area currently controlled by Serb forces ..." Almost a year after the adoption of the resolution 762 (1992), which established the "pink zones", the Republic of Croatia is still waiting for UNPROFOR to actively help in achieving the aforementioned goal. Therefore I

urge the enaction of necessary steps for the restoration of Croatian governmental authority in the "pink zones".

3. It is essential to urgently start the process of returning the refugees to their homes. This is not only a political issue of the utmost importance but also an economic one. The endless tide of refugees is imposing a heavy burden on the Croatian economy. The Republic of Croatia has already submitted numerous documents to the General Assembly and the Security Council concerning this matter. However, I would like to stress once again that, at this moment, Croatia is sheltering more than half of a million refugees, of whom 250,000 are Muslims from the neighbouring Republic of Bosnia and Herzegovina.

In order to finally start the process of effectively achieving the aforementioned goals, allow me to point out the following necessary steps:

(a) Complete implementation of Security Council resolution 802 (1993) by means of firm measures aimed at expediting the negotiations conducted under the auspices of the International Conference on the Former Yugoslavia and as a first step in the process of demilitarization of all the UNPAs.

(b) Establishment of full UNPROFOR control of the international border between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), which is currently on the territory of UNPA East, as emphasized in Security Council resolution 769 (1992), thus strengthening the implementation of Security Council resolutions 757 (1992), 787 (1992) and particularly 820 (1993).

(c) Opening of the major transportation railway and road routes in the UNPAs, oil pipeline and power transmission lines, both as confidence-building measures and because of their logistical value for the forthcoming implementation of the Vance/Owen plan in the Republic of Bosnia and Herzegovina.

(d) Positioning international monitors on the border between the Republic of Croatia and the Republic of Bosnia and Herzegovina which is adjacent to the UNPAs, as inscribed in your report S/24353 (paras. 21 and 22) in order to prevent military activities against these two Republics and to ease the implementation of the Vance plan in Croatia and Vance/Owen plan in Bosnia and Herzegovina.

The Vance plan for Croatia and the Vance/Owen plan for Bosnia and Herzegovina are the pillars of this process. The success of the peace operation in the Republic of Croatia is directly linked with the prospects for lasting peace in the Republic of Bosnia and Herzegovina and vice versa. While I have a full understanding of the interrelation of the existing peace process in these two Republics, the peace process in Croatia should not be postponed by the developments in Bosnia and Herzegovina, but rather serve as a model for successful peace-keeping and peace enforcing in the Republic of Bosnia and Herzegovina. The recent tragic clashes between Croatian and Muslim forces in the Republic of Bosnia and Herzegovina show that any delay in the endorsement and, if necessary, enforcement of the peace plans, make the prospects for success even more complicated.

The Republic of Croatia especially commends Security Council resolution 815 (1993) which states that UNPAs "are integral parts of the territory of the Republic of Croatia". This is the essential foundation for building a comprehensive peace process in the area and a fact which must be recognized by all sides involved in the conflict on the territory of the former Yugoslavia.

I would like to stress once again that the Republic of Croatia is looking at the peace process as the most desirable means towards achieving a comprehensive settlement of the crisis. It is not only crucial that all the sides participate in this process, but that they also recognize the sovereignty and territorial integrity of all the United Nations Member States in the area. We would like to see the minorities in the respective states in the region acting as a bridge towards peaceful cooperation, and not as the casus belli. With this in mind we would like to inform you that the Croatian Government has prepared a set of various confidence-building measures with the special aim of normalizing the situation in the UNPAs and gradually reintegrating these areas into the Republic of Croatia. In particular, I wish to draw your attention to the recently established State Council for the Normalization of Croatian-Serbian Relations and its activities. On the other hand those who continue their armed assault on cities, civilians or Croatian military or police forces should be aware of their responsibility and should find themselves eventually before international court dealing with war crimes.

Having in mind Security Council resolution 815 (1993), which extends the UNPROFOR mandate for an additional interim period terminating on 30 June 1993, it is our desire that our proposals be given serious consideration in reshaping the new UNPROFOR mandate. I fervently hope that the Republic of Croatia will not be put into the position to reconsider its decision to prolong the UNPROFOR mandate and would like to give you my assurances that we currently remain devoted to the peace process conducted under the auspices of the International Conference on the Former Yugoslavia.

(Signed) Franjo TUDJMAN
President of the
Republic of Croatia